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PATENT
Attorney Docket 044921-5029-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **William E. Munger et al.**

Application No. **09/960,706**

Filed: **September 24, 2001**

Art Unit: **1631**

Examiner: **Marjorie A. Moran**

For: **Identifying Drugs For and Diagnosis of Benign Prostatic Hyperplasia
Using Gene Expression Profiles**

U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

- Transmitted herewith is a Notice of Appeal further in response to the Final Office Action dated October 6, 2004.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for an additional one-month extension of time, further extending the period for response from March 6, 2005 to April 6, 2005, the fee for which is **\$570.00** as set out in 37 C.F.R. 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

04/07/2005 JADD01 00000139 500310 09960706
01 FC:1401 500.00 DA
02 FC:1253 570.00 DA

- Fee Calculation (37 C.F.R. 1.16):

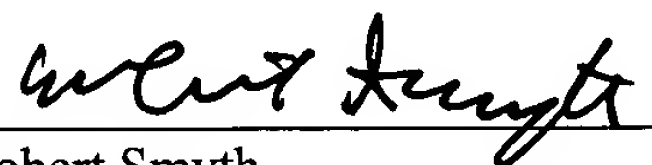
| CLAIMS AS AMENDED | | | | | | |
|--|-----------|-------|-----------------|-------|----------------|------------|
| | Remaining | | Previously Paid | Extra | Rate | Total Fees |
| Total Claims | 9 | minus | 54 | 0 | \$50.00 each= | 0.00 |
| Independent Claims | 1 | minus | 7 | 0 | \$200.00 each= | 0.00 |
| First presentation of Multiple dependent claim | | | | | \$360.00 | 0.00 |
| Sub-total = | | | | | | 0.00 |
| Reduction by 1/2 for filing by a small entity | | | | | | 0.00 |
| Total Fee = | | | | | | 0.00 |

- Fee Payment: The Commissioner is hereby authorized to charge **\$1,070.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee (\$500.00) and the additional one-month extension of time fee (\$570.00).

5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **April 6, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


Robert Smyth
Registration No. 50,801